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SEP 16 2002

OFFICE OF PETITIONS

In re Application of  
Gerald E. Bennington, et al.  
Application No. 09/997,659  
Filed: November 29, 2001  
Attorney Docket No. UV-133 CONT3

ON PETITION

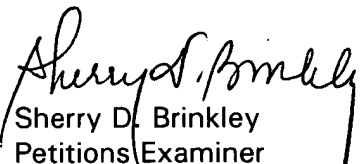
This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee filed September 16, 2002.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

***Petitioner is advised that the issue fee paid on August 8, 2002, with a Certificate of Mailing under 37 CFR 1.8 dated August 2, 2002, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***<sup>1</sup>

After receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 2614 for further processing of the request for continued examination under 37 CFR 1.114.

  
Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy  
(703) 305-9220

<sup>1</sup>The request to apply the issue fee to the new Notice must be made in writing and should be accompanied by the new Issue Fee Transmittal Form PTOL-85(b), along with a copy of this decision. Additionally, if the issue fee has increased from the previously paid issue fee, the balance due must be submitted. **Failure to timely request in writing that the previously paid issue fee be applied towards the new Notice and payment of any balance due will result in the abandonment of the application.**